

1 THE HONORABLE RICARDO MARTINEZ
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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RENARDO ROBERTSON, et al.,

Plaintiffs,

vs.

CATHOLIC COMMUNITY SERVICES OF
WESTERN WASHINGTON, a Washington
Public benefit Corporation

Defendant

No. 2:19-cv-01618-RSM

PLAINTIFF'S PRETRIAL STATEMENT

JURISDICTION

Federal jurisdiction exists pursuant to Title VII of the Civil Right Act of 1964, 42 U.S.C.
2000e and 42 U.S.C. 1981.

CLAIMS AND DEFENSES

FIRST CLAIM

**Disparate Treatment pursuant to Title VII of the Civil Rights Act, 42 U.S.C. 2000e-2
§1981A, 2000e-2**

1. Plaintiffs incorporate by reference paragraphs 1 through 103 above.
2. Plaintiff belongs to a protected class on the basis of his race (African-American).
3. Defendant treated Plaintiff less favorably than similarly

1 situated non-African-

2 American employees in the terms or conditions of his employment and otherwise
3 discriminated against Plaintiff as set forth above.

4 4. Defendant subjected Plaintiff to discriminatory treatment at CCS because of his
5 race.

6 5. Defendant subjected Plaintiff to adverse employment action(s) because of his
7 race.

8 6. Defendant terminated Plaintiff's employment from CCS because of his race.

9 7. As a result and proximate cause of Defendant's conduct, Plaintiffs have suffered
10 injury and/or damages, for which they are entitled to recover actual, compensatory,
11 economic, non-economic, special, general, and/or punitive damages, in an amount to be
12 proven at trial.
13

14 **SECOND CLAIM**

15 **Race discrimination in violation of 42 U.S.C §1981**

16 1. Plaintiff belongs to a protected class on the basis of his race (African-American).

17 2. Defendant treated Plaintiff less favorably than similarly situated non-African-
18 American employees in the terms or conditions of his employment and otherwise
19 discriminated against Plaintiff as set forth above.

20 3. Defendant subjected Plaintiff to discriminatory treatment at CCS because of his
21 race.

22 4. Defendant subjected Plaintiff to adverse employment action(s) because of his
23 race.

24 5. Defendant's discrimination against Plaintiff with respect

1 to the breach of the parties' employment relationship on the basis of Plaintiff's race is in
2 violation of 42 U.S.C. § 1981 ("Section 1981").

3 6. The effect of these violations has been to deprive Plaintiff of rights and privileges
4 which are enjoyed by non-African-American persons and protected by Section 1981.

5 7. As a result and proximate cause of Defendant's conduct, Plaintiffs have suffered
6 injury and/or damages, for which they are entitled to recover actual, compensatory,
7 economic, non-economic, special, general, and/or punitive damages, in an amount to be
8 proven at trial.

9
10 **THIRD CLAIM**

11 **Retaliation in violation of Title VII of the Civil Rights Act 42 U.S.C. §§2000e-3,
12 1981a**

13 1. During his employment with CCS, Plaintiff engaged in protected opposition to
14 what he believed in good faith to be unlawful discrimination against him by reporting the
15 discrimination against him and/or others to his superior(s) at CCS.

16 2. Defendant took adverse employment action(s) against Plaintiff.

17 3. Defendant took adverse employment actions against Plaintiff because he engaged
18 in protected opposition to what he believed in good faith to be unlawful discrimination
19 against him.

20 4. As a result and proximate cause of Defendant's conduct, Plaintiffs have suffered
21 injury and/or damages, for which they are entitled to recover actual, compensatory,
22 economic, non-economic, special, general, and/or punitive damages, in an amount to be
23 proven at trial.

1 **FOURTH CLAIM**

2 **TORT CLAIM WRONGFUL DISCHARGE**

3 **IN VIOLATION OF PUBLIC POLICY**

4 1. Washington law, including but not limited to RCW 49.60 and 49.12.200,
5 recognizes a clear public policy against discrimination in all its forms, on the basis of
6 race.

7 2. Plaintiff engaged in conduct directly related to the clear public policies against
8 unlawful discrimination in Washington State, the discouragement of which would
9 jeopardize that
10 public policy.

11 3. Defendant thereafter terminated Plaintiff's employment.

12 4. Defendant terminated Plaintiff's employment because he engaged in protected
13 opposition to what he believed in good faith to be discrimination and/or harassment
14 against him made unlawful by Washington state law and pursuant, to which clear public
15 policies are in place.

16 5. Defendant's conduct, acts, and/or omissions constitute(s) the tort of wrongful
17 discharge in violation of public policy.

18 6. As a result and proximate cause of Defendant's conduct, Plaintiffs have suffered
19 injury and/or damages, for which they are entitled to recover actual, compensatory,
20 economic, non-economic, special, general, and/or punitive damages, in an amount to be
21 proven at trial.

1 **FIFTH CLAIM**

2 **TORT CLAIM FOR NEGLIGENCE INFILCTION OF EMOTIONAL DISTRESS**

- 3 1. Defendant's conduct, acts, and/or omissions constitute(s) the tort of negligent
4 infliction of emotional distress.
- 5 2. As a result and proximate cause of Defendant's conduct, Plaintiffs have suffered
6 injury and/or damages, for which they are entitled to recover actual, compensatory,
7 economic, non-economic, special, general, and/or punitive damages, in an amount to be
8 proven at trial.

10 **ADMITTED FACTS**

- 11 1. On or about January 28, 2013, Plaintiff began working for CCS as a Veterans
12 Housing Case Manager or SSVF (Supportive Service for Veteran Families) Case
13 Manager in Everett, WA. Plaintiff came into this position with twenty-three years of
14 honorable service in the United States Navy. Plaintiff is a veteran and was previously
15 stationed in Bremerton, Oak Harbor, Everett, and Marysville. He retired from the Navy in
16 2009 as a Chief Petty Officer, E-7.
- 17 2. SSVF is a program administered by the United States Department of Veterans
18 Affairs (VA). It provides grants and funding to organizations that provide outreach, case
19 management, and housing services for military Veterans.
- 20 3. As SSVF Case Manager, Plaintiff was a member of the Service Employees
21 International Union (SEIU), Healthcare 1199NW.
- 22 4. Plaintiff had a good work performance record throughout his time at CCS. In
23 2015, he earned Employee of the Year. In January 2018, CCS President Michael Reichert
24 25 recognized him for helping CCS pass its financial audit.

1 5. Upon information and belief, there were only approximately three (3) African or
2 African-American employees, including Plaintiff, during the relevant period, out of a
3 total of approximately 215 employees, in the CCS North workforce, which spans from
4 Everett to Bellingham.
5

6 6. In late 2015, Sarah Jayne Barrett (Caucasian) became the Northwest Housing
7 Director. In this position, she was Plaintiff's boss's boss.
8

9 7. In March-April 2016, Plaintiff asked Barrett, along with SSVF Program Director
10 Patti Spaulding and SSVF Housing Manager Mary Wahl if he could apply for a Lead
11 Case Manager position. Plaintiff was told that CCS did not have enough funding for a
12 Lead position, but Plaintiff knew this was not true.
13

14 8. In October 2016, Spaulding told Plaintiff there was an increase in the SSVF grant
15 for the new fiscal year, in the form of cost of living adjustments (COLAs), which could
16 be used to support a Lead position. Despite this, Plaintiff still did not get a meaningful
17 response to his expressed interest in securing a Lead position.
18

19 9. In October 2017, Plaintiff asked Wahl again about becoming a Lead Case
20 Manager and did not get a meaningful response.
21

22 10. Plaintiff later found out from Spaulding that Spaulding had offered the Everett
23 office an increase in funding, which Wahl had declined.
24

25 11. Upon information and belief, CCS received COLAs annually as part of its SSVF
26 grants in order to pay SSVF employees more each year, but it did not pass those COLAs
onto SSVF employees in Snohomish County.
27

28 12. In October 2017, Barrett hired Caucasian Rhonda Polly to be Plaintiff's fellow
29 SSVF Case Manager in Everett. Plaintiff and Polly would be
30

1 the only two SSVF Case Managers in Snohomish County. Plaintiff was concerned about
 2 Barrett's decision to hire Polly into this position because Polly had no relevant
 3 experience and had never worked with veterans before.

4 13. In December 2017, Plaintiff began working under a new supervisor, SSVF
 5 Program Supervisor Kelli Jo Hurley.

6 14. Hurley treated Polly better than Plaintiff. She assigned Plaintiff significantly more
 7 work and harder work than Polly. Plaintiff consistently worked more hours and
 8 performed more difficult jobs than Polly. Plaintiff managed and serviced all of the
 9 African-American Veteran clients, conducted outreach, and regularly worked out in the
 10 field with the homeless, for example, while Polly sat at a desk in the office and did
 11 paperwork.

12 15. Polly was also allowed to go through school and complete an internship, for
 13 which she missed work on a regular basis. She was also allowed to do her school work
 14 during work hours, while she was being paid hourly by CCS. She was also allowed to lie
 15 on her time sheets about how much work she was missing for school.

16 16. CCS management expected Plaintiff to train and lead Polly, but they refused to
 17 promote or pay him more for being a Lead or a trainer. Plaintiff also had to do "damage
 18 control" as a result of all the things Polly did not know how to do, which added even
 19 more to his workload. Because Plaintiff was the experienced and knowledgeable Case
 20 Manager of the two, everyone would reach out to or approach Plaintiff with questions,
 21 problems, and tasks, rather than Polly, which also added significantly more to his
 22 workload in comparison to Polly's.

23 26 17. Other Caucasian employees too, such as Josh Johnson,

were also repeatedly allowed to violate CCS rules and policies without experiencing appropriate consequences.

18. In February 2018, Plaintiff asked Barrett and Human Resources Manager Cindy Price about becoming a Lead Case Manager. Plaintiff was told he could not be a Lead because there were not enough SSVF Case Managers for him to lead. This occurred shortly after Caucasian Whitney Summers had been hired as a Veteran Navigator in the Everett office in 2017, a position for which she was not qualified.

19. Barrett unilaterally created a rule that there had to be at least three SSVF Case Managers in any given individual office location in order for there to be a Lead SSVF Case Manager in that office. Barrett knew Plaintiff's Everett office location only had two SSVF Case Managers, although there were certainly numerous SSVF Case Managers throughout the Northern offices in need of a Lead. Upon information and belief, Barrett created this rule to prevent Plaintiff from becoming a Lead. Never before had this "three or more" rule been in existence or been mentioned or discussed, prior to Barrett using it as a justification for denying Plaintiff the opportunity to become a Lead.

Plaintiff Engaged in Protected Opposition and Experienced Retaliation

20. Sometime in May 2018, Plaintiff complained to Hurley about the disparate treatment he was experiencing in his position. Shortly before that, in April 2018, Plaintiff has also complained to Spaulding about race discrimination. Upon information and belief, neither Hurley nor Spaulding conducted any investigation or took any remedial action in response to Plaintiff's concerns.

21. On June 19, 2018, Plaintiff reported his concerns about disparate treatment and race discrimination to Vice-President of Human Resources

1 Kim Williams and Reichert. Plaintiff also met with Hurley and Assistant Housing
2 Director Rita Jo Case that day and expressed his concerns about discrimination and
3 disparate treatment. In response, Hurley told Plaintiff to worry about his job and let them
4 worry about the policies.

5 22. That same day, on June 19, 2018, Plaintiff filed a union grievance alleging
6 discrimination, poor equal opportunity, and unfair employment practices. Plaintiff
7 submitted his grievance to Hurley, Price, Williams, and Vice-President/Regional Chief of
8 Operations/Agency Director Will Rice. None of them made any meaningful efforts to
9 address Plaintiff's concerns.

10 23. On August 2, 2018, Plaintiff, *pro se*, contacted the Washington State Human
11 Rights Commission (WSHRC) to file a Charge of Discrimination against CCS alleging
12 race discrimination and retaliation. The following day, on August 3, 2018, WSHRC
13 completed and filed the Charge.

14 24. On August 17, 2018, Plaintiff contacted emailed Rice, Reichert, and Williams and
15 reminded them that it had been nearly sixty (60) days since he had filed his grievance,
16 and still no meaningful action had been taken in response. Plaintiff also informed them
17 that he had contacted WSHRC to file a Charge of Discrimination against CCS.

18 25. Four days later, on August 21, 2018, Williams finally met with Plaintiff for his
19 Step 2 union grievance meeting. During this meeting, Plaintiff complained to Williams
20 about a "Black Lives Matter" poster, which Barrett had displayed prominently on the
21 second floor of the office. The display offended Plaintiff in particular because of the
22 hypocrisy of Barrett professing an outward persona of promoting the importance of black
23 lives, while at the same time discriminating against Plaintiff
24
25

1 because of his race. Plaintiff asked to have the sign removed.

2 26. On September 11, 2018, Plaintiff told Williams he had contacted two outside
3 agencies regarding his concerns. Williams had told Plaintiff she would investigate his
4 concerns, but Plaintiff still had not received a meaningful response.

5 27. On September 13, 2018, Plaintiff was informed that his office space was being
6 moved into a small hallway at the back of the building, right outside the bathroom. In that
7 space, Plaintiff would be alone and ostracized from the rest of the workforce and from his
8 Caucasian coworkers. Polly would be moving into a large office room with another case
9 worker who was outside of the SSVF program. Previously, Plaintiff and Polly had been
10 sharing a larger office room with two desks.

11 28. That same day, on September 13, 2018, Plaintiff asked Hurley why his office was
12 being moved, and she responded, "the leadership has asked us to move." She gave no
13 other explanation.

14 29. Plaintiff also realized that day that someone at work had stolen his plant from his
15 office. The plant was a sentimental plant that had been given to him by a former CCS
16 supervisor, who had later died.

17 30. The following day, on September 14, 2018, Plaintiff and Polly traveled for several
18 hours round trip to CCS's Tacoma office to attend a workplace investigation and
19 diversity training. This event was being held at the Tacoma office in response to race
20 discrimination complaints African-American employees had made at that office. During
21 this event, Plaintiff voiced his concerns about race discrimination in the Everett office as
22 well.

23 31. On September 17, 2018, Plaintiff asked Price, in the

1 presence of union delegate John McAlpine, why his office had been moved. Price had no
2 meaningful response and seemed to be avoiding the question. That same day, the office
3 change was carried out as planned.

4 32. Also that same day, on September 17, 2018, Plaintiff complained to Williams,
5 Reichert, and Rice about unlawful retaliation and told them he intended to file a union
6 grievance regarding his office being moved. Plaintiff filed a grievance later that day,
7 alleging unlawful retaliation for reporting race discrimination.

8 33. Immediately thereafter, Plaintiff had to take several days off of work per his
9 doctor's orders, due to extreme stress caused by the discrimination and retaliation he was
10 facing at work. This was when Plaintiff began his therapy sessions for work stress, and he
11 has been undergoing this treatment ever since.

12 34. Plaintiff notified WSHRC about the office move, in response to which WSHRC
13 stated that his existing Charge of Discrimination would be amended.

14 35. While Plaintiff was out of work, on September 18, 2018, Williams delivered the
15 results of her workplace investigation into Plaintiff's concerns to Plaintiff's union
16 representative. Her Step 2 grievance response of course concluded that there was no
17 wrongdoing by CCS.

18 36. Plaintiff's grievance proceeded through Step 3 in October 2018, with Plaintiff and
19 his union representative continuing to complain about unlawful retaliation on September
20 26, 2018, October 3, 2018, and October 4, 2018. The Step 3 meeting was held on
21 October 18, 2018.

22 37. On October 31, 2018, Rice issued his Step 3 grievance response, which of course
23 found no racial bias or discrimination by CCS.

In this response, Rice falsely accused Plaintiff of subjecting Polly to a hostile work environment. This accusation was never explained to him in any detail, and, upon information and belief, was never investigated. Plaintiff was never interviewed about it, and, upon information and belief, no one else was interviewed about it either. Polly never complained or objected to Plaintiff about any mistreatment from or by Plaintiff.

38. Plaintiff's grievance proceeded through Step 4 in November 2018. After management did not respond to attempts to schedule a mediation; Plaintiff decided to return to WSHRC to pursue his Charge of Discrimination there.

39. On or about December 5, 2018, Plaintiff contacted WSHRC to find out why his Charge of Discrimination had not yet been amended. WSHRC prepared an amended complaint that day, which Plaintiff signed, and which was filed as an amendment to his August 3, 2018 Charge of Discrimination.

40. On December 19, 2018, Plaintiff's August 3, 2018 Charge of Discrimination was dually filed with the U.S. Equal Employment Opportunity Commission (EEOC) as EEOC Charge No. 38G-2019-00100 (FEPA No. 31ERZ-0379-18-9).

41. Upon information and belief, EEOC notified CCS via U.S. Mail about Plaintiff's August 3, 2018 Charge of Discrimination on or about December 19, 2018, but WSHRC did not.

42. On January 2, 2019, Plaintiff sent a copy of his August 3, 2018 WSHRC Charge of Discrimination to Reichert, Williams, Rice, Price, and his union representative. Price finally contacted him that same day to schedule a mediation.

43. Upon information and belief, WSHRC mailed a Notice of Discrimination regarding Plaintiff's August 3, 2018 Charge of discrimination

1 to CCS on or about January 2,

2 2019, but WSHRC mailed it to the wrong address. The Notice was returned to WSHRC
3 and then re-mailed on or about January 17, 2019, to the correct mailing address.

4 44. Price later canceled the Step 4 mediation and then did not respond to Plaintiff's
5 attempts to reschedule it. After four months of not being able to schedule the Step 4
6 mediation, Plaintiff eventually withdrew his grievance, on March 18, 2019.

7 45. Meanwhile, on or about March 8, 2019, Polly had resigned from her employment
8 at CCS. That same day, Hurley posted the opening for SSVF Case Manager (Polly's
9 position).

10 46. On April 3, 2019, an applicant interviewed for the posted SSVF Case Manager
11 position and passed the background and references checks. Later that month, the
12 applicant was told that the position was on hold.

13 47. Toward the end of April 2019, Hurley began yelling at Plaintiff and humiliating
14 him in front of his coworkers about insignificant things. This occurred on numerous
15 occasions, including April 23-24, 2019, May 15, 2019, and May 22-23, 2019.

16 48. On May 8, 2019, Hurley told Plaintiff that the open position was on hold because
17 there was not enough work to do in Snohomish County to justify having two SSVF Case
18 Managers, even though the program at that time was understaffed. At that time, Hurley
19 began talking about a possible reduction in force (RIF) that could eliminate Plaintiff's
20 position in Snohomish County.

21 49. On May 17, 2019, Plaintiff and Hurley talked again about a possible RIF.

22 50. On May 20, 2019, Plaintiff completed an intake questionnaire for WSHRC, in
23 which he alleged race discrimination, retaliation,

1 discrimination based on his veteran status, and
2 failure to accommodate his disability (hypertension), which was being aggravated or
3 exacerbated by the stress of the race discrimination and retaliation. *Inter alia*, Plaintiff
4 stated: "I believe the CCS NW Leadership is retaliating against me by eliminating my
5 position for participating in a protected activity from a previous WSHRC complaint that
6 has not been investigated since I received my charge letter in December 2018."

7
8 51. On May 21, 2019, Plaintiff wrote to Hurley, Spaulding, Reichert, Rice, Williams,
9 Tacoma Housing Services Director Alan Brown, and CCS SW Director Denny
10 Hunthausen, asking questions and expressing concerns about his apparent and imminent
11 layoff.

12
13 52. On or about May 22, 2019, Plaintiff submitted and filed his Charge of
14 Discrimination with WSHRC.

15 53. On May 23, 2019, Plaintiff complained to Price and Williams about Hurley
16 subjecting him to a hostile work environment by yelling at him in front of his coworkers.

17 54. On or about May 30, 2019, Plaintiff and his union representative Amy Yount met
18 with Rice. Rice told them the hiring for SSVF Case Manager was on hold because the
19 entire SSVF program was on hold in Snohomish County. Rice added that the grant for
20 Snohomish County had never been submitted. Upon information and belief, there were
21 no changes to the SSVF program in any other county.

22
23 55. On June 3, 2019, Plaintiff filed another union grievance alleging hostile work
24 environment and retaliation with respect to Hurley's treatment of him in particular. He
25 asked in the grievance to be removed from Hurley's supervision of him.

26 56. That same day, on June 3, 2019, Plaintiff had to take

1 several more days off of work due to the extreme stress caused by the discrimination and
 2 retaliation against him at work. Plaintiff's stress became so overwhelming that he slipped
 3 into a downward spiral with depression, anxiety, and alcohol abuse and had to undergo
 4 treatment for several weeks, per doctor's note.

5 57. On June 17, 2019, Plaintiff complained to Reichert about discrimination, an
 6 abusive working environment, and retaliation. He also asked Reichert about his
 7 employment status and the future of the program and his position and also reported his
 8 concerns about Hurley having misappropriated SSVF funds.

9 58. The very next day, on June 18, 2019, Rice emailed Snohomish County officials
 10 and announced that CCS would not be renewing the contract for the SSVF Program in
 11 Snohomish County, which meant Plaintiff would be out of a job. This was despite the
 12 fact that CCS had already completed and submitted its renewal paperwork for this
 13 contract on or before February 22, 2019.
 14

15 59. On June 25, 2019, Plaintiff, *pro se*, went to EEOC and completed an intake
 16 questionnaire, at which time EEOC informed him that a Charge of Discrimination had
 17 already been filed by WSHRC on June 18, 2019. Upon information and belief, this June
 18, 2019 Charge of Discrimination was the same one Plaintiff had submitted to WSHRC
 19 on or about May 22, 2019.
 20

21 60. EEOC then filed a Charge of Discrimination on his behalf, alleging race
 22 discrimination, hostile work environment, and retaliation. The Charge was labeled with
 23 the EEOC Charge No. 38G-2019-00100 (FEPA No. 31ERZ-0379-18-9), which is the
 24 same Charge number as the August 3, 2018 Charge. Upon information and belief, CCS
 25 was notified of this new submission on the same day or
 26

1 within a few days thereafter.

2 61. On July 1, 2019, on the day Plaintiff returned to work from his medical leave,
3 Plaintiff received notice from Rice that his job was being eliminated effective September
4 30, 2019. Plaintiff then received the official layoff letter dated July 3, 2019 from Price
5 detailing the terms of his layoff.
6

7 62. CCS did not provide Plaintiff with a reason for the layoff, other than stating that
8 CCS would no longer receive SSVF funding for his position after the end of the fiscal
9 year.
10

11 63. Snohomish County was the only county affected by the layoff or reduction in
12 force. All other counties participating in the SSVF Program through CCS were still slated
13 to continue their contracts and funding.
14

15 64. Plaintiff was the only employee impacted by this program change and RIF.
16

17 65. That same month, Plaintiff's therapist ordered him to start working half days, no
18 more than four hours a day, due to extreme job stress.
19

20 66. Plaintiff expressed his interest in securing a different position with CCS, but CCS
21 did not give Plaintiff an opportunity to secure other SSVF or veterans service positions,
22 for which Plaintiff is uniquely knowledgeable, well suited, and well qualified.
23 Management kept promising they were working on a "transition plan" but never made
24 any efforts to place Plaintiff into a position for which he was well suited.
25

26 67. On or about July 8, 2019, Plaintiff notified both the EEOC and WSHRC
investigators about the layoff notice.
68. EEOC immediately issued a Right to Sue after that, which Plaintiff received on or
about July 15, 2019. The Right to Sue Notice was labeled

Renardo Robertson

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1 with the EEOC Charge No. 551-2019-02762.

2 69. That same day, on July 15, 2019, WSHRC contacted CCS to perform an on-site
3 meeting regarding Plaintiff's allegations of discrimination. Upon information and belief,
4 that meeting was scheduled, canceled, and then never held.

5 70. On July 16, 2019, a grievance meeting was held with Case and McAlpine. Case
6 issued a Step 1 grievance response on July 29, 2019. In response, on July 30, 2019,
7 Plaintiff again withdrew his union grievance and told Case and Price he intended to take
8 his concerns up with the EEOC instead.

9 71. In early August 2019, Plaintiff found out that CCS had in fact received funding
10 for the SSVF program in Snohomish County on August 5, 2019, for the following fiscal
11 year (2019-2020). Despite this fact, CCS never reversed its decision about ending the
12 SSVF program in Snohomish County.

13 72. On August 23, 2019, Plaintiff emailed Case, copying Spaulding, Rice, Williams,
14 and Barrett, and asked if his layoff would be rescinded in the event the VA was unable to
15 find another organization to operate the SSVF program in Snohomish County, in order to
16 prevent uninterrupted service to Veterans. Rice responded, "the answer is no."

17 73. Pulling the SSVF program from Snohomish County means that not only will
18 Plaintiff, who has a wife and three children, be out of a job, but also that hundreds of
19 veterans and their families will be displaced and without housing assistance.

20 74. After finding out that CCS did in fact secure a grant for the SSVF program in
21 Snohomish County but still had no intention of operating that program in Snohomish
22 County, Plaintiff reaffirmed and reiterated to CCS his resolve to continue serving
23 Veterans in Snohomish County. Management already knew

about Plaintiff's particular passion for and unwavering commitment to serving Veterans and about his desire to continue doing this same type of work. Plaintiff is uniquely knowledgeable about Veterans and the military and is uniquely qualified to serve Veterans; this is the type of work he does and has always done. Plaintiff remains determined to continue working in this capacity.

75. On or about September 19, 2019, CCS tried to trick Plaintiff into saying he was voluntarily resigning from his job at CCS, which he did not do and which was not the case.

76. On or about September 30, 2019, Plaintiff received a written Notice of Right to Sue from WSHRC for Charge Nos. 31ERZ-0379-18-9 and 17EVZ-0774-18-9.

Other African-American and Minority Employees Faced Similar Discrimination at CCS

77. During his employment at CCS, since at least 2015 when Barrett began working there, Plaintiff observed a pattern and practice of CCS attempting to get rid of its minority employees.

78. Several other minority employees also complained to CCS about race discrimination at CCS.

79. In October to December of 2017, Tewana Martin, an African-American Case Manager in CCS's Tacoma office, complained about race discrimination after being denied the opportunity to secure a Lead position. Ms. Martin alleged that CCS told her it did not have the funding for Lead positions—and then selected a Caucasian employee for a Lead position. She also complained about disparate treatment with regard to work hours.

1 80. Ms. Martin and Plaintiff later learned that the Caucasian selectee for the lead
2 position had given Spaulding a time share in Hawaii in or before December 2017.
3

4 81. On or about April 9, 2018, Ms. Martin complained to Williams at CCS about race
5 discrimination. Then, on or about May 23, 2018, she filed a Charge of Discrimination
6 with WSHRC. Ms. Martin listed Plaintiff in her WSHRC Intake Questionnaire as a
7 witness to the race discrimination at CCS and as one of several African-American
8 employees who were also discriminated against because of race.

9 82. On or about October 10, 2018, Ms. Martin resolved her discrimination claims
10 against CCS in a formal settlement agreement with the help of WSHRC. Pursuant to its
11 WSHRC settlement agreement, CCS agreed not to retaliate against anyone who
12 participated in WSHRC's proceeding.

13 83. Shortly after Ms. Martin's dispute was resolved, CCS implemented a freeze on
14 Lead positions across the board.

15 84. Jennifer Bush, another African-American Case Manager in Tacoma, had asked
16 about completing an internship, but CCS denied her request. This was in contrast to
17 Polly, who was allowed to complete an internship during work hours. Ms. Bush also
18 complained to Spaulding about race discrimination at CCS.

19 85. Latonya Rock, another African-American former employee of CCS, also endured
20 some sort of trauma as a result of race discrimination she endured at CCS. Ms. Rock left
21 CCS in the Fall of 2018 and had emotional difficulties maintaining subsequent
22 employment, due to the extreme stress caused by her experience at CCS.

23 86. In February 2017, African-American employee Appollonia Gaines was
24 discriminated against by Barrett and Caucasian supervisor

Troy Wall. Ms. Gaines and Wall were coworkers until Wall was promoted over her and became her supervisor. Ms. Gaines complained about being intimidated and belittled by Barrett and Wall and, shortly thereafter, she was compelled to resign.

87. In 2016, James Lockhart, another former African-American employee of CCS, filed a union grievance against CCS alleging race discrimination. Mr. Lockhart was subsequently retaliated against and terminated from his employment. Meanwhile, a Caucasian employee received an oral warning for the same type of allegation for which Mr. Lockhart was terminated.

88. In 2015, Hispanic employee Joe DeLuna was terminated after having difficulty being overloaded with work under Barrett's management. African-American CCS employee Delmar Algee may also have been discriminated against at CCS because of his race.

ISSUES OF LAW

On February 16, 2021, Robertson through Counsel filed a Motion to Compel discovery, no ruling has been made on this motion.

On February 25, 2021, the Defendant filed a Motion for Independent Medical Examination for Plaintiff. Plaintiff responded to this motion on March 4, 2021. No ruling has been made on this motion.

On March 18, 2021 a motion for Summary Judgement was filed by the Defendant. No ruling has been made on this motion.

On April 5, 2021 Plaintiff filed a motion to proceed *Pro Se*. No ruling has been made on this motion

Rodney R. Moody as Counsel for Robertson filed a motion seeking to withdraw, no ruling has been made on this motion.

WITNESSES

On behalf of the Plaintiff:

1. Renardo Robertson – 8514 66th Pl NE, Marysville, WA. 98270 May be contacted through undersigned counsel. He is the Plaintiff in this case. He has information about all the claims and allegations in the Complaint; will testify.

2. Donna Robertson – 8514 66th Pl NE, Marysville, WA. 98270 May be contacted through undersigned counsel. She is the Plaintiff's wife and a part of the marital community which is also a plaintiff in this case. She has information about the claims and allegations in the Complaint, including but not limited to details about Plaintiff Renardo Robertson's economic and emotional damages resulting from Defendant's discrimination and retaliation against him. Will testify.

3. Michael Reichert CCS President – 100 23rd Ave S, Seattle, WA. 98144 Will be contacted through defense counsel. He has information about Plaintiff's job performance and awards and recognition; the culture, work environment, and treatment of Plaintiff at CCS; Plaintiff's complaints of discrimination and retaliation; grievances filed and grievance proceedings against CCS; CCS financial audits; SSVF program funding and grants ; and Plaintiff's layoff from CCS; will testify

4. Will Rice CCS Vice -President/Regional Chief of Operations/Agency Director -100 23rd Ave S, Seattle, WA. 98144. Will be contacted through defense counsel. He has information about the culture, work environment, and treatment of Plaintiff at CCS; Plaintiff's complaints of discrimination and retaliation;

1 Plaintiff's grievances filed and grievance proceedings against CCS; Plaintiff's charges of
2 discrimination filed with WSHRC and/or EEOC; SSVF program funding and grants;
3 CCS and SSVF operations; and Plaintiff's layoff from CCS; will testify

4 5. Patti Spaulding -Klewin SSVF Program Manager – 100 23rd Ave S, Seattle, WA.

5 6. Will be contacted through defense counsel. She has information about Plaintiff's
7 requests to become a Lead Case Manager ; Plaintiff's complaints of discrimination and
8 retaliation; SSVF program funding and grants; and Plaintiff's layoff from CCS, will
9 testify.

10 11 6. Rita Jo Case CCS Assistant Housing Director – 100 23rd Ave S, Seattle, WA. 98144.
12 Will be contacted through defense counsel. She has information about Plaintiff's
13 complaints of discrimination and retaliation; Plaintiff's grievances filed and grievance
14 proceedings against CCS; Plaintiff's charges of discrimination filed with WSHRC and/or
15 EEOC; SSVF program funding and grants; and Plaintiff's layoff from CCS; will testify.

16 7. Sarah Jane Barrett CCS Northwest Housing Director - 100 23rd Ave S, Seattle, WA.

17 8. Will be contacted through defense counsel. She was the supervisor of Plaintiff's
18 supervisor, Kelli Jo Hurley. She has information about Plaintiff's requests to become a
19 Lead Case Manager; the culture, work environment, and treatment of Plaintiff at CCS ;
20 SSVF program funding and grants; and Plaintiff's layoff from CCS.

21 8. Cindy Price CCS Human Resources Manager - 100 23rd Ave S, Seattle, WA. 98144.

22 9. Will be contacted through defense counsel. She has information about Plaintiff's requests
23 to become a Lead Case Manager; the culture, work environment, and treatment of
24 Plaintiff at CCS; Plaintiff's complaints of discrimination and retaliation; Plaintiff's
25 grievances filed and grievance proceedings against CCS;

1 Plaintiff's charges of discrimination filed with WSHRC and/or EEOC; and Plaintiff's
2 layoff from CCS; will testify.

3 9. Kim Williams CCS Vice-President of Human Resources - 100 23rd Ave S, Seattle,
4 WA. 98144. Will be contacted through defense counsel. She has information about the
5 culture, work environment, and treatment of Plaintiff at CCS; Plaintiff's complaints of
6 discrimination and retaliation; any actions taken by CCS in response thereto; Plaintiff's
7 grievances filed and grievance proceedings against CCS; any actions taken by CCS in
8 response thereto; Plaintiff's charges of discrimination filed with WSHRC and/or EEOC;
9 actions taken or statements made by CCS in connection therewith; any efforts or events at
10 CCS to address diversity, race, retaliation, or cultural concerns; any workplace trainings
11 or investigations regarding diversity, race, retaliation, or cultural concerns; race
12 discrimination and/or retaliation complaints or concerns lodged or raised by other
13 minority employees at CCS; any actions taken by CCS in response thereto; SSVF
14 program funding and grants; and Plaintiff's layoff from CCS.

15 10. Alan Brown CCS Housing Services Director in Tacoma - 100 23rd Ave S, Seattle,
16 WA. 98144. Will be contacted through defense counsel. He has information about
17 Plaintiff's complaints of discrimination and retaliation at CCS; financial audits;
18 leadership agreements; SSVF operations and CARF accreditation; and Plaintiff's layoff
19 from CCS.

20 11. Shawn Miller CCS Human Resources Talent Manager - 100 23rd Ave S, Seattle, WA.
21 98144. Will be contacted through defense counsel. S/he has information about Plaintiff's
22 layoff from CCS; the layoff notice to Kathy Batrack; Ms. Battrack's transfer from the
23 Rapid Re-Housing Program; and communications regarding

1 that layoff notice and transfer.

2 12. Kelli Jo Hurley Former SSVF Program Supervisor at CCS Plaintiff's former
3 supervisor at CCS. May be contacted through undersigned counsel. She has information
4 about Plaintiff's job performance, attendance, and evaluations ; Plaintiff's complaints of
5 discrimination and retaliation; Plaintiff's grievances filed and grievance proceedings
6 against CCS; Rhonda Polly's job performance, attendance, work and school schedules,
7 time sheets, qualifications, skills, experience, and evaluations; her own treatment of, and
8 work assignments to and as between, Plaintiff and Polly; Plaintiff's complaints of
9 discrimination and retaliation; the culture, work environment, and treatment of Plaintiff at
10 CCS; Polly's separation from employment at CCS; the opening and recruiting and hiring
11 for the SSVF Case Manager position; SSVF program funding and grants; SSVF
12 operations in Snohomish County and the Everett office; and Plaintiff's layoff from CCS,
13 will testify.

14 16. Mary Wahl Former SSVF Housing Manager - 100 23rd Ave S, Seattle, WA. 98144.
15 She was Plaintiff's supervisor. Will be contacted through defense counsel. She has
16 information about Plaintiff's work performance and evaluations; Plaintiff's requests to
17 become a Lead Case Manager; the hiring of Rhonda Polly; and SSVF funding and grants,
18 will testify.

19 22. 14. Rhonda Polly Former SSVF Case Manager at CCS Compass Health Mount Vernon,
20 WA. Caucasian comparator. May be contacted through undersigned counsel. Plaintiff's
21 former fellow SSVF Case Manager in Snohomish County, at the Everett office of CCS.
22 She has information about Plaintiff's complaints of discrimination and retaliation ; SSVF
23 Case Manager job duties and job description ; training at

1 CCS; Kelli Jo Hurley's treatment of Plaintiff and herself; her own experience, skills, and
 2 qualifications for the SSVF Case Manager position ; her own experience working with
 3 veterans ; her own work and school schedule and practice with CCS time sheets;
 4 Plaintiff's workload and job duties; and working with Plaintiff; the culture, work
 5 environment, and treatment of Plaintiff at CCS; and her own separation from
 6 employment at CCS, will testify.

7
 8 15. Mary Giles CCS Human Resources Generalist – 100 23rd Ave S, Seattle, WA. 98144.
 9 Contact made through CCS. She has information about Plaintiff's medical leave related
 10 to his emotional distress and resulting health condition(s), will testify.

11
 12 16. Kathy Batrack CCS - Permanent Support Housing Program (PSH) employee - 100
 13 23rd Ave S, Seattle, WA. 98144. Will be contacted through defense counsel. Caucasian
 14 comparator, she has information about the Rapid Re -Housing Program ; a harassment
 15 complaint brought against her by coworker Pam McLaughlin ; any CCS investigations
 16 into that matter ; her own layoff and procedures and practices related thereto; and her
 17 own transfer to a new position for CCS. Will testify.

18
 19 17. Danielle Gentry CCS - PSH Supervisor - 100 23rd Ave S, Seattle, WA. 98144. Will
 20 be contacted through defense counsel. She has information about the layoff notice to
 21 Kathy Batrack; Ms. Batrack's transfer from the Rapid Re -Housing Program ; and
 22 communications regarding that layoff notice and transfer, will testify.

23
 24 18. Josh Johnson CCS Facilities employee - May be contacted through undersigned
 25 counsel. Also works as Facilities Supervisor at Everett School Caucasian comparator. He
 26 has information about his own work experience at CCS ; his disciplinary record; and his
 job performance and level of compliance with CCS rules

1 and policies, will testify.

2 20. Damien James CCS employee, former Facilities Supervisor CCS Seattle Regional
3 Building - 100 23rd Ave S, Seattle, WA. 98144. Will be contacted through defense
4 counsel. He is Josh Johnson's supervisor. He has information about Josh Johnson's
5 disciplinary record; Johnson's job performance and level of compliance with CCS rules
6 and policies; and his own disciplinary record and transfer to a different facility, will
7 testify.

8 21. Whitney Summers CCS Veteran Lead Navigator - 100 23rd Ave S, Seattle, WA.
9 98144. Will be contacted through defense counsel. Caucasian comparator, she has
10 information about her own experience, skills, qualifications, recruiting, hiring, training,
11 and promotions at CCS; her own promotion at CCS; and her own disciplinary record and
12 treatment at CCS, will testify.

13 22. Neil Collins Current or former CCS employee Yakima, WA. May be contacted
14 through undersigned counsel. Caucasian Comparator, he has information about his own
15 treatment at CCS and the treatment of other employees at CCS; his own workplace
16 complaint (s); the investigation into his complaint (s) by CCS; and his own transfer to
17 a different job and/or facility within CCS. Will testify.

18 23. Tewana Martin Current or former CCS Case Manager in Tacoma - 100 23rd Ave S,
19 Seattle, WA. 98144. Will be contacted through defense counsel. She has information
20 about her own work experience and the race discrimination against her at CCS; the
21 damages caused as a result thereof; her own complaints about the same; her own
22 administrative charges filed with WSHRC and/or EEOC about the same; her efforts to
23 secure a Lead case management position at CCS; the

selection process for and policies and practices regarding Lead Case Managers at CCS; the discrimination and retaliation against Plaintiff and other minority employees at CCS; the complaints and charge s lodged or filed by Plaintiff and other minority employees at CCS; and the resolution of her own race discrimination claims against and disputes with CCS. Will testify

24. LaTonya Rock Former CCS employee 5050 S. Tacoma Way Tacoma, WA 98409 -
May be contacted through undersigned counsel. She has information about her own work
experience and the race discrimination against her at CCS; the damages caused as a result
thereof; her own complaints about the same; and her separation from employment at
CCS. Will testify.

25. LueRachelle Brim -Atkins The Diversity Collaborative 2616 East Thomas St. Seattle,
WA 98112. May be contacted through undersigned counsel. She was the facilitator for a
diversity and cultural awareness event held at CCS. She has information about Plaintiff's
complaints of race discrimination and retaliation; complaints of race discrimination and
retaliation made by numerous other CCS employees; any investigations undertaken,
events held , or other measures taken at CCS in relation thereto; and communications
with CCS related thereto. Will testify.

26. Hannah Fishman SEIU 1199NW Representative – 15 South Grady Way, Ste 200,
Renton, WA. 98057. May be contacted through undersigned counsel. She has
information about Plaintiff's complaints of discrimination and retaliation; Plaintiff's
grievances filed and grievance proceedings against CCS; and any actions taken by CCS
in response thereto. She may also have information about Plaintiff's charges of
discrimination filed with WSHRC and/or EEOC; agency

1 investigations undertaken in response thereto ; complaints of race discrimination and/or
2 retaliation made by other CCS employees ; Plaintiff's job benefits; Plaintiff's layoff from
3 CCS; SSVF program funding and grants; and SSVF program operations at CCS. Will
4 testify.

5 27. Sharon Ortiz Executive Director, WSHRC 711 S. Capitol Way, Ste. 402 Olympia,
6 WA 98504 -2490. May be contacted through undersigned counsel. She has information
7 about Plaintiff's complaints of discrimination and retaliation, and any and all facts and
8 allegations contained therein or related thereto ; Plaintiff's charges of discrimination filed
9 with WSHRC and/or EEOC; agency investigations undertaken in response thereto;
10 actions taken or statements made by CCS in connection therewith; and charges of
11 discrimination filed by other minority employees at CCS. Will testify.

12 28. Cammy Hart -Anderson Snohomish County, Housing and Community Services,
13 Division Manager- 3000 Rockefeller Ave, M/S 305, Everett, WA. 98201. May be
14 contacted through undersigned counsel. She may have information about SSVF
15 program and grant and funding in Snohomish County; CCS's grant applications, awards,
16 renewals, and history in relation thereto; communications related to the funding and
17 administration and closing of the SSVF Program in Snohomish County; designation,
18 distribution , and use of funds within the SSVF program. Will testify.

22 EXHIBITS

- 23 1. Complaint for Damages and Further Relief
24 2. 2017 Performance Review of Robertson, issued January 2018
25 3. 2017 Performance Review of Polly, issued 2017
26 4. Resume of Polly submitted to CCSWW

5. Letter from Kim Williams to Robertson, Re: Step 2 Employee Grievance dated 18, 2018.
6. Letter from Will Rice to Hannah Fishman, Re: Step 2 Grievance Response dated October 31, 2018
7. SSVF -CCSWW grant agreement date October 1, 2019
8. Polly's Letter of Resignation
9. Robertson's Mental Medical Records for 2018, 2019, 2020
10. Position Description of Polly, issued 2016
11. CCSWW-SEIU1199 Bargaining Contract Agreement 2018-2021
12. Email to Michael Reichert from Robertson dated June 20, 2018
13. Email from Robertson to Kim Williams dated September 11, 2018
14. Email from Robertson to Mary Wahl dated October 19, 2017
15. Email from Sarah to Robertson dated November 21, 2017
16. Email from Price to Robertson dated December 5, 2017
17. Email to Michael Reichert from Robertson dated June 17, 2019
18. Email to Cindy Price from Robertson on January 2, 2019
19. Email from Rice to Robertson on July 3, 2018
20. Email to Rice from Robertson on August 17, 2018
21. Email from Williams to Robertson and Hannah Fishman dated August 19, 2018
22. Email from Williams to Robertson and Hannah Fishman dated August 22, 2018
23. SEIU Employee Grievance filed by Robertson date June 19, 2018
24. Email from Bill Schmidt to Denny Hunthausen dated January 16, 2020
25. EEOC Notice of Suit Rights dated July 15, 2019
26. EEOC Charge of Discrimination dated June 25, 2019

- 1 27. Email from Cindy Price to Robertson dated May 23, 2019
- 2 28. Email from Cindy Price to Robertson dated May 30, 2019
- 3 29. Copy of Notice of Charge of Discrimination dated December 19, 2018
- 4 30. Email from Will Rice to Jackie Anderson and Cammy-Hart dated June 18, 2019
- 5 31. Deposition Transcripts of Michael Reichert
- 6 32. CCSWW Business Record of meeting CCSWW000123 dated September 5, 2019
- 7 33. CCSWW Business Record of meeting CCSWW000577 dated November 27, 2018
- 8 34. CCSWW October 2018 Non-Compliance Agreement with Human Rights Commission
- 9 35. November 2019 Email from Spaulding to Rice (SSVF Transition)
- 10 36. Deposition Transcripts of Will Rice
- 11 37. Deposition Transcripts of Sarah Barrett
- 12 38. Deposition Transcripts of Patti Spaulding-Kleiwin
- 13 39. Motion for Summary Judgement Declaration of Cindy Price
- 14 40. Cindy Price's Exhibit G Motion for Summary Judgement
- 15 41. Michael Reilly's Exhibit A Motion for Summary Judgement
- 16 42. Joshua Johnson CCSWW formal disciplinary report
- 17 43. Email from Shawn Kendall to Hart-Anderson, Cammy dated April 17, 2019
- 18 44. Copy of TFA-By County- Monthly spending
- 19 45. Layoff Notice to Robertson issued by Cindy Price dated July 3, 2019.
- 20 46. September 2019 Letter from Representative John Lovick to Veterans Administration
- 21 47. May 21, 2019 Email from Robertson to CCSWW President Michael Reichert
- 22
- 23
- 24
- 25
- 26

1
2 CERTIFICATE OF SERVICE
3
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5 I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE
6 STATE OF WASHINGTON, I SERVED THE FOREGOING DOCUMENTS TO OPPOSING
7 COUNSEL VIA U.S. POSTAL MAIL SERVICE ON ALL PARTIES OR THEIR COUNSEL
8 OF RECORD.

9 DATED this 5th day June 2021.

10 D Michael Reilly: 1420 Fifth Ave, Ste 4200, P.O. Box 91302, Seattle, WA. 98111-
11 9402

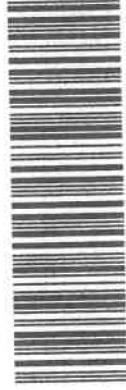
12 Shirley S Lou Magnuson: 1420 Fifth Ave, Ste 4200, P.O. Box 91302, Seattle, WA.
13 98111-9402

14 Riley R Moyer: 1420 Fifth Ave, Ste 4200, P.O. Box 91302, Seattle, WA. 98111-9402

15 Rodney Moody: 2707 Colby Ave, Ste 603, Everett. WA. 98201

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By: _____
Renardo Robertson
renardoroberston@yahoo.com
Plaintiff Pro Se

R
Renardo Robertson
8514 65th Pl. NE
Redmond, WA 98070



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U.S. District Court
Clerk's Office
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700 Stewart Street, Suite 2310
Seattle, WA 98101

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